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OFFICE OF PETITIONS

In re Application of	:	
Shillington, et al.	:	
Application No. 09/902,128	:	DECISION ON PETITION
Filed: July 10, 2001	:	
Attorney Docket No. T00053	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 18, 2007.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file an Appeal Brief. Applicant filed a Notice of Appeal on March 6, 2007, together with a Pre-Appeal Brief Request for Review. Subsequently, the Office mailed a Notice of Panel Decision from Pre-Appeal Brief Review on April 18, 2007. This Notice notified applicants that the appeal was proceeding to the Board of Patent Appeals and Interferences, and reset the time period for filing an Appeal Brief to one month. Extensions of time under 37 CFR 1.136(a) were available. The Office mailed a Notice of Abandonment on August 27, 2007.

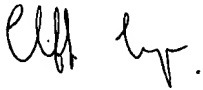
Applicants have filed an Appeal Brief on October 18, 2007, made timely by obtaining a five (5) month extension of time.

Accordingly, it is obvious that the Notice of Abandonment was prematurely mailed.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to Group Art Unit 2113 for consideration of the Appeal Brief, filed October 18, 2007.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions